

ADM File No. 2010-13

August 8, 2011

Regarding MCR 6.001 proposed changes:

I have been practicing defense law for more than 20 years and cannot even imagine doing this type of work without discovery at all initial stages of the prosecution, most importantly prior to preliminary exam. There is no way to tell if a preliminary exam can be waived unless the facts and reports are known to the defendant and his/her attorney. Not giving early discovery makes the preliminary exam the time for discovery and forces defense attorneys to hold each and every exam. This would be a significant waste of time and resources in many instances. There are already some counties that do not give complete discovery or allow time for the defense attorney to review what they may have, but taking it away by court rule goes against everything that is fair and constitutional. There should be more, not less discovery and discovery should also be permitted completely in misdemeanor cases.

Eliminating discovery as if the preliminary exam were not a critical stage is unheard of! Please reconsider any amendment that takes away more rights of the defendants.

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